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JAN 12 2006

In re Application of:	:	
JAE-BON KOO ET AL.	:	
Serial No.: 10/694,941	:	DECISION ON PETITION TO
Filed: October 29, 2003	:	MAKE SPECIAL FOR NEW
Docket: 6161.0077.US	:	APPLICATION UNDER 37
Title: FLAT PANEL DISPLAY AND	:	C.F.R. § 1.102(d) & M.P.E.P. §
FABRICATION METHOD THEREOF	:	708.02 (VIII)

This is a decision on the petition filed on November 01, 2004 to make the above-identified application special for accelerated examination procedure set forth in MPEP § 708.02(VIII) in accordance with 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

In support of the petition, petitioner provides: a) the applicable fee; b) a statement that all claims are believed to be directed to a single invention; c) a statement that a pre-examination search was made; d) copies of each reference deemed to be the most closely-related references uncovered in the pre-examination search; and e) a detailed discussion of the references.

For accelerated examination under MPEP § 708.02(VIII) in accordance with 37 C.F.R. § 1.102(d), a showing of the following is required: a) the applicable petition fee; b) all claims are directed to a single invention or if the Office determines that all the claims presented are not obviously directed to a single invention, that applicant will make an election without traverse as a prerequisite to the grant of special status; c) a statement that a pre-examination search was made, listing the field of search by class and subclass; d) a copy of each of the references deemed most closely related to the claimed subject matter; and e) a detailed discussion of the references pointing out with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is distinguishable over the references.

The requirements of MPEP § 708.02(VIII)(a), (c) and (d) are considered to have been met. However, the petition fails to meet the requirements of MPEP § 708.02(VIII)(b) and (e).

The petition does not meet the requirement of MPEP § 708.02(VIII)(b) because it lacks a statement that should the Office determine that all claims presented are not obviously directed to a single invention, petitioner will elect without traverse. Rather, petitioner requests the Examiner to contact him in such an event.

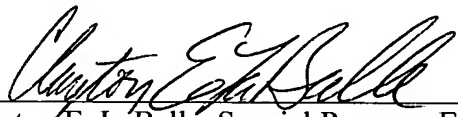
The petition further does not meet the requirement of MPEP § 708.02(VIII)(e) because not all of the references cited in the IDS submitted November 1st, 2005 were discussed in detail. In particular, it is noted that the petition does not point out how the claimed subject matter distinguishes over U.S. Patent Application Publication No. 2004/0169182 A1 to Koo et al. (Koo '182).

While Technology Center Directors may have granted petitions that do not comply with the detailed discussion requirement of the Accelerated Examination procedure, Technology Center Director decisions on petitions are not binding precedent of the Patent Examining Corps, and the application of an improper standard in certain cases does not require the Office to continue to apply the improper standard in all cases. *See In re The Boulevard Entertainment, Inc.*, 334 F.3d 1336, 1343, 67 USPQ2d 1475, 1480 (Fed. Cir. 2003)).

For the above-mentioned reasons, the petition is dismissed. The application will therefore be taken up by the examiner for action in its regular turn.

Any request for reconsideration of this decision must be submitted within 2 (two) months of the date of this decision in order to be considered timely. Any request for reconsideration must include a statement that petitioner will elect without traverse and a detailed discussion of the Koo '182 reference pointing out with the particularity required by 37 CFR 1.111 (b) and (c) how the claimed subject matter is distinguishable over the reference.

Any inquiry regarding this decision should be directed to Clayton E. LaBalle, Special Program Examiner, at (571) 272-1594.



Clayton E. LaBalle, Special Program Examiner
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